



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

January 29, 2021

By ECF

The Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

Re: *United States v. James Mayo and Jonathan Smith*, 20 CR 317 (LTS)

Dear Judge Swain,

On behalf of the parties, the Government respectfully writes to request an adjournment of approximately thirty days of the conference scheduled for February 8, 2021 to a date and time of convenience to the Court. The Government understands from counsel to the defendants that additional time is necessary for them to meet with their clients and discuss a possible pre-trial disposition as well as certain discovery that at least one of the defendants has not yet been able to access in his pre-trial detention facility. Finally, with the consent of the defendants, the Government also respectfully requests that the Court exclude time under the Speedy Trial Act from today through the date of any granted adjournment of the conference pursuant to 18 U.S.C. § 3161(h)(7) on the basis that the interests of the defendants and the public in a speedy trial are outweighed here by the ends of justice served by allowing the defendants to consider further the possibility of a pre-trial disposition, particularly amidst the circumstances of the ongoing national emergency declared in response to the coronavirus pandemic and with respect to Mr. Mayo the additional complication of the recent substitution of his appointed counsel.

Separately, the Government respectfully requests that the Court order the letter that the Government filed earlier today and that appears on the ECF Docket at Document Number 34 to be struck from the docket. The Government filed that letter, which relates to another case pending

before the Court, in error and both regrets and apologizes for its lack of care and further thanks the parties and the Court for bringing the mistake to the attention of the Government.

The foregoing adjournment, exclusion and striking request is granted. The conference is adjourned to March 12, 2021, at 12:00 p.m. and time is hereby excluded from speedy trial computations through that date for the reasons stated above. The Clerk of Court is directed to strike DE#34 from the docket of this case for the reasons stated above. DE# 35 resolved.

SO ORDERED.

1/29/2021

/s/ Laura Taylor Swain, USDJ

Respectfully submitted,

AUDREY STRAUSS
United States Attorney

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Assistant United States Attorney
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cc: Kristen Santillo (Counsel to Defendant James Mayo) (by ECF)
Robert Radick (Counsel to Defendant Jonathan Smith) (by ECF)